

REMARKS/ARGUMENTS

Applicant responds herein to the Final Office Action issued July 10, 2007.

Claims 1-5 are pending in the Application after the present Amendment. Claims 1-5 were rejected in the Office Action.

Claims 1-5 were rejected under 35 U.S.C. §102(b) as being anticipated by Schwartz (U.S. Patent No. 5,997,062). Applicants respectfully disagree.

Claim 1 recites a second opening 33 located opposite the rear end of the cage, i.e., the end located adjacent to handle 1. Further, Claim 1 recites that the second opening forms a ball seating retaining the golfball therein and that the second opening can be enlarged by pressing the golfball through this opening. These recitations of Claim 1 are not disclosed in Schwartz. Specifically, as shown in Fig. 1 of Schwartz, the opening between segments 18, which the Examiner believes to be equivalent to the Applicant's second opening, is not located opposite from the rear end of the cage. Instead, this opening is positioned adjacent to the rear end of the cage. Further, nothing in the Schwartz reference teaches or even suggests that the opening between segments 18 can be enlarged by pressing the golfball therethrough. Additionally, if the opening between segments 18 is considered by the Examiner to be the "second opening" of Claim 1, then Schwartz does not disclose the "third opening" of Claim 1, i.e., opening 33 located in the roof of the cage.

Therefore, Claim 1 is allowable over the Schwartz reference. Claims 2-5 depend directly or indirectly from Claim 1. Therefore, Claims 2-5 are allowable over Schwartz at least for the same reasons as Claim 1 and, further, on their own merits.

Claims 1-5 were rejected under 35 U.S.C. §103(a) as being unpatentable over Johnson (U.S. Patent No. 6,695,370).

Johnson discloses a golf ball retrieving device having a plurality of parallel tines. This device enables simultaneous retrieval of multiple balls, each ball being accommodated within its own compartment between adjacent tines. Similarly to Schwartz, Johnson does not disclose a second opening which can be enlarged by pressing the golfball therethrough. Instead, as shown in Figs. 5 and 6 of Johnson, the opening located opposite the handle 42 includes flanges 30

which preventing the ball 12 from being pushed through this opening. See, Johnson, col. 3, lines 56-61.

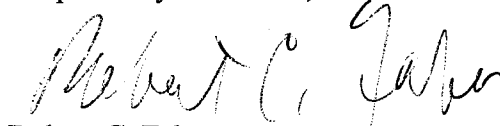
Further, contrary to the recitations of Claim 1, Johnson does not disclose a roof of the cage which is dimensioned to “drive the golfball received through the first opening into the ball seating in response to pressing the cage generally vertically against the golfball.” (Emphasis added). Instead, the roof of the device taught by Johnson is shaped to guide the ball towards its seat when the cage is driven horizontally, i.e., during the raking movement 16, with respect to the ball. See, Johnson, col. 3, lines 60-61, and Fig. 1-3.

Under MPEP 2143.03, all words in a claim must be considered in judging the patentability of that claim against the prior art. As explained above, prior art references cited by the Examiner do not disclose or even suggest some of the limitations recited in Claim 1. Accordingly, Claim 1 is allowable over the cited prior art. Claims 2-5 depend directly or indirectly from Claim 1. Therefore, Claims 2-5 are allowable at least for the same reasons as Claim 1 and, further, on their own merits.

Favorable reconsideration of the rejections and allowance of all pending claims is respectfully requested.

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Respectfully submitted,



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